



THE ASSEMBLY
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August 27, 2018

Office for People with Developmental Disabilities
Office of Counsel, Bureau of Policy and Regulatory Affairs
44 Holland Avenue
Albany, New York 12229

I am writing to object to the emergency/proposed regulations to add a new Part 629 to 14 NYCRR which would modify the eligibility determination process to obtain services from OPWDD and request that this proposed regulation be withdrawn.

First, I have been informed that notice of these emergency/proposed regulations was not provided to the public, groups representing family members within OPWDD, or stakeholders on a list your department uses to communicate with families. In addition, issuing emergency/proposed regulations on June 7, 2018 with comments due August 27, 2018-a time when many people are away-was not appropriate. Common sense and proper notice require that the public and known stakeholders be notified of proposed regulations so they can comment. Since this was not done, I request that these emergency/proposed regulations be withdrawn.

Second, Mental Hygiene Law Section 1.03(22) clearly defines "developmental disability" for purposes of establishing eligibility for services. The emergency/proposed regulations would go beyond what the law provides in determining eligibility. I respectfully suggest that you do not have the authority to prevent those who would otherwise qualify under state law from obtaining services.

Third, it is the public policy of this state to provide services to those who need them and qualify for them. These individuals have enough difficulty navigating the current eligibility process. Changing this process to include requirements not consistent with current law will cause an undue hardship for individuals and families. It is against public policy of this state to support regulations that would prevent those who would otherwise qualify from receiving services.

For the above reasons, I respectfully urge you to withdraw the emergency/proposed regulations to change the process to determine eligibility for services.

Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink that reads 'Thomas J. Abinanti'.

Thomas J. Abinanti